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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

YAUNG, et al.

Confirmation No: 2684

Serial No: 09/800,400

Group Art Unit: 2176

Filed: March 5, 2001

Examiner: Sain, Gautam

For: METHOD AND SYSTEM FOR PROVIDING MESSAGE PUBLISHING ON A  
DYNAMIC PAGE BUILDER ON THE INTERNET

**APPEAL BRIEF**

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**APPEAL BRIEF**

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37 C.F.R. § 1.193(b)(1) as follows:

**I. REAL PARTY IN INTEREST**

Appellant respectfully submits that the above-captioned application is assigned, in its entirety to International Business Machines Corporation of Armonk, New York.

**II. RELATED APPEALS AND INTERFERENCES**

Appellant states that, upon information and belief, Appellant is not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

Claims 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22 and 23 are pending. Application Serial No. 09/800,400 (the instant application) as originally filed included claims 1-20. The claims in the instant application were amended in a preliminary amendment. Also in the preliminary amendment, claims 21-23 were added. The claims were amended and claims 2, 9, and 16 canceled in response to an Office Action dated August 10, 2005. Claims 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22 and 23 are on appeal and all applied prospective rejections concerning claims 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22 and 23 are herein being appealed.

### **IV. STATUS OF AMENDMENT**

There was no proposed amendment to the claims in response to the Final Office Action.

### **V. SUMMARY OF THE INVENTION**

The present invention provides a method and system for publishing a message using a page builder tool. The page builder tool is for providing a web page and linking the web page to a searchable database. The method and system comprise providing a message caching agent, a message cache and a message publishing agent. The message caching agent receives the message and provides the message to the message cache. The message publishing agent is coupled to the message cache and the page builder tool. The message publishing agent retrieves the message from the message cache and allows the message to be published on a web browser through the page builder tool. The message publishing agent allows the message to be published on the web browser by pushing the message to the web browser through the page builder tool.

Figure 1 depicts a conventional page builder tool 10 in conjunction with a data store 20 and a web browser 30. Specification, page 1, lines 6-8. The conventional page builder tool 10 is used to provide a web page through which the user of the web browser 30 can request information archived in the data store 20. Specification, page 1, lines 8-19. However, the conventional page builder tool 10 has limited functionality with respect to broadcasting, or publishing, messages to users of the web page. Specification, page 2, lines 1-10.

In contrast, Figure 2 depicts one embodiment of a page builder tool 100 in accordance with the present invention. The page builder tool 100 includes a message publishing agent 104, a message cache 106, a message caching agent 108, and a conventional page builder tool 102. The message caching agent 108 places messages in the message cache 106, which stores the message for later publishing. Specification, page 5, lines 7-10. In a preferred embodiment, the message cache is a flat file on the server side of the conventional dynamic page builder 102. Specification, page 5, lines 10-12. The message publishing agent 104 utilizes the conventional page builder tool 102 to publish the message on the web browser 30. Specification, page 5, lines 13-21. The message publishing agent may publish the message by passing the messages to a portion of the web page build using the page builder tool 100. Specification, page 5, lines 17-23.

Figure 3 depicts a system 110 using the page builder tool 100 in conjunction with other components. Specification, page 6, lines 18-23. Also depicted in Figure 3 are a message publishing tool 130, datastore 140, and macro definitions 120 including message macro definitions 122. The message publishing tool 130 is coupled with the message caching agent 108 and is used to create the messages to be published. Specification, page 7, lines 15-22. The messages are provided to the message caching agent 108, stored using the message cache 106, and published utilizing the message publishing agent 104 and page builder tool 100.

Figure 4 depicts a high-level flow chart of a method for publishing messages using the page builder tool 100. Specification, page 8, lines 3-5. The messages are received, stored in the message cache, and then published. Specification, page 8, lines 5-12. Similarly, Figure 5 depicts a more detailed flow chart of a method in accordance with the present invention for publishing a message.

Using the page builder tool 100 and the method 200 or 250, messages may be published. The messages may be pushed, allowing clients to obtain the most recent messages without refreshing the web page. Specification, page 9, lines 9-11. The page builder tool can automatically publish the message after the message has been provided by the administrator. Specification, page 9, line 11-15. Thus, performance may be improved.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- (1) whether claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, and 21 are each unpatentable under 35 U.S.C. § 103 as being obvious in light of U.S. Patent No. 6,546,387 (Triggs) in view of U.S. Patent No. 6,714,219 (Lindhorst); and
- (2) whether claims 4, 5, 11, 12, 18, 19, 22 and 23 are each unpatentable under 35 U.S.C. § 103 as being obvious over Triggs in view of Chandra in further view of U.S. Patent No. 6,697,825 (Underwood) in further view of Lindhorst.

## **VII. ARGUMENTS**

### **A. Summary of the Applied Rejections**

In the Final Office Action, dated February 6, 2006, the Examiner rejected claims 1, 2-3, 6-8, 10, 13-17, and 20-21 under 35 U.S.C. § 103 as being unpatentable over Triggs in view of

Chandra, in further view of Lindhorst. In particular, the Examiner cited portions of cols. 2, 5, and 8 of Triggs. The Examiner further relied upon paragraphs 341 and 362 of Chandra as teaching the recited message cache. The Examiner also relied upon Lindhorst as teaching the recited message publishing agent. In particular, the Examiner cited col. 15, lines 15-18 and col. 4, lines 31-32 of Lindhorst for this teaching.

The Examiner further rejected claims 4, 5, 11, 12, 18, 19, 22, and 23 under 35 U.S.C. § 103 as being unpatentable over Triggs in view of Chandra in further view of Underwood in further view of Lindhorst. In so doing, the Examiner cited Underwood as teaching the recited message publishing macros. In so doing, the Examiner cited the web definer, content definer, and manager in cols. 9-67 (particularly cols. 27 and 50) of Underwood.

Appellant respectfully requests that the Board reverse the Examiner's final rejection of claims 1, 2-3, 6-8, 10, 13-17, and 20-21 under 35 U.S.C. § 103 and the Examiner's final rejection of claims 4, 5, 11, 12, 18, 19, 22, and 23 under 35 U.S.C. § 103.

## B. The Cited Prior Art

Triggs describes a system for managing information on a computer network. Triggs, Abstract. Triggs describes an email reader and a web builder, which the Examiner cited as corresponding to the recited message caching agent and page builder tool, respectively. The email reader monitors email accounts and if the appropriate messages are available, posts the messages to a server. Triggs, col. 5, lines 54-57. To post the message to the server, however, the email reader simply provides the message to the server, which may perform further processing on the message. Triggs, col. 8, lines 18-22. Thus, the email reader of Triggs apparently uploads the message directly to the server. The email reader apparently does not store a message in the local cache. Because the

message is uploaded directly to a server, there is apparently no need for the message to be retrieved from the message cache prior to the message being published using a separate entity, such as the recited message publishing agent. The uploaded message is placed in a particular category of information on the server. Triggs, col. 8, lines 59-64. Employees of the organization who subscribe to the category may be notified that a new content exists. Triggs, col. 8, lines 64-65. The employees may access the new content through a web page. Thus, Triggs also describes a conventional web builder tool that allows a user to build or add content to a web page. Triggs, col. 8, lines 49-67.

Chandra describes a method for associating related messages in computer storage. Chandra, Abstract. Chandra describes creating “snapshots” of transportable application dynamic data, and storing these snapshots in a local cache so that the user can view the snapshots off line. Chandra, paragraph 362. Thus, the snapshots are provided to the local cache for the limited purpose of viewing the snapshots by the client. Chandra, paragraph 362. Chandra separately describes pushing of notifications, or alert messages, to the user. See, for example, Chandra, paragraphs 184, 535, and 536. However, the user apparently must still act in response to the notification.

The vast majority of Lindhorst relates to providing a development environment. Lindhorst, Abstract and col. 1, lines 19-22. In particular, Lindhorst describes creating a drag and drop development environment for editing page scripts. Lindhorst, col. 4, line 65-col. 7, line 15. The cited portion of Col. 4 of Lindhorst merely describes ASP caching in order to maintain session and application state information. Lindhorst, col. 4, lines 31-33. Lindhorst does mention in passing that the “initial instantiation [of objects for a page] . . . may occur without a request from a browser, for example, for the purposes of broadcasting or multicasting using a push web model.” Lindhorst, col.

14, lines 10-20; col. 15, lines 15-18; and FIG. 5. However, Appellant has found no corresponding mention of pushing a message to a web browser.

Underwood describes a technique for modifying a web site. Underwood, Abstract. In so doing, Underwood teaches the use of a Web Definer. In particular, Underwood does describe the use of Definer “macros”, which are meaningful only in the Definer environment. Underwood, col. 50, lines 38-42. The macros are functions in the Definer environment that perform tasks such as inserting scripts, sending notification messages, allowing a user to edit text. Underwood, col. 50, line 7-col. 51, line 2.

**C. Claims 1-3, 6-10, 13-17, and 20-21 Are Not Unpatentable Under 35 U.S.C. §103.**

Appellant respectfully submits that the applied rejections of claims 1, 7, and 14 under 35 U.S.C. § 103 are without merit as the Examiner has completely failed to explain why Triggs in view of Chandra in further view of Lindhorst teaches or suggests the method, computer-readable medium, and system recited in claims 1, 7 and 14. Independent claims 1, 7, and 14 recite a system, method, and computer-readable medium, respectively, for publishing a message using a page builder tool that provides a web page and links the web page to a searchable database. Claim 1 recites and Triggs in view of Chandra in further view of Lindhorst neither teaches nor suggests the combination of:

a message caching agent for receiving the message;  
a message cache coupled to the message caching agent . . . the message cache receiving the message from the message caching agent . . . [and] being a local cache for the page builder tool; and  
a message publishing agent . . . for retrieving the message from the message cache and allowing the message to be published. . . by pushing the message to the web browser through the page builder tool.

Similarly, claim 7 recites and Triggs in view of Chandra in further view of Lindhorst neither teaches nor suggests the combination of:

- receiving a message from a user;
- storing the message in a message cache connected to the page builder tool using a message caching agent, the message cache being a local cache for the page builder tool;
- retrieving the message from the message cache and publishing the message on a web browser through the page builder tool, wherein the publishing further includes
  - utilizing the message publishing agent to push the message to the web browser.

Claim 14 recites and Triggs in view of Chandra in further view of Lindhorst neither teaches nor suggests:

- receiving a message from a user;
- storing the message in a cache connected to the page builder tool using a message caching agent, the message cache being a local cache for the page builder tool;
- retrieving the message from the message cache and publishing the message on a web browser through the page builder tool, the publishing further including
  - utilizing the message publishing agent to push the message to the web browser.

Claims 1, 7, and 14 recite a combination including the message caching agent that stores the message in the local message cache and a message publishing agent that retrieves the message from the message cache and pushes the message to a browser through the page builder tool. Thus, messages may be automatically published the message being provided by the administrator. Specification, page 9, line 11-15. Performance may thereby be improved.

In contrast, Triggs in view of Chandra in further view of Lindhorst fail to teach or suggest the recited combination including the message caching agent that stores the message in the local message cache, and a message publishing agent that retrieves the message from the message cache and pushes the message to a browser, thus publishing the message through the page builder tool.

As discussed above, Triggs does describe a web builder and an email reader, which monitors email accounts and if the appropriate messages are available, posts the messages to a server. However, the email reader simply uploads messages to a server. Consequently, there is apparently no need for a separate message cache or for the message to be retrieved from the message cache using a separate entity, the message publishing agent, prior to the message being published. Moreover, the message is not published by pushing the message to the web browser. Instead, Triggs merely describes notifying certain users that new content exists. The users must still access the content themselves.

Chandra fails to remedy these defects of Triggs. Appellant agrees that Chandra describes creating “snapshots” and storing these snapshots in a local cache so that the user can view the snapshots off line. However, these snapshots are provided to the local cache for the limited purpose of viewing by the client. Chandra, paragraph 362. Consequently, although a local cache is present, it is not used in storing messages for publication. For similar reasons, the local cache not accessed by a message publishing agent or a message caching agent. Further, Appellant has found no mention in Chandra of pushing the message being published to web browsers. Instead, any pushing of messages appears limited to email messages. There is no indication in Chandra that such messages would be provided to a web browser. Like Triggs, Chandra fails to teach or suggest a system, method, or computer-readable medium that uses a message caching agent to store the message to a message cache that is a local to and coupled to a page builder tool, that retrieves a message from the local message cache and publishes the message through the page builder tool by pushing the message to the browser.

Because both Triggs and Chandra fail to teach or suggest a system that uses a message caching agent to store the message to a message cache that is a local to and coupled to a page

builder tool and that retrieves a message from the local message cache and publishes the message through the page builder tool by pushing the message to the browser, any combination would fail to teach or suggest these features. Stated differently, if the teachings of Chandra were added to the teachings of Triggs, the combination may use email readers to obtain messages and post them to the server using the teaching of Triggs. Further, the combination would provide a local cache, to allow users to view application data offline using the teachings of Chandra. The combination might also provide notifications, or email messages, by pushing them to the client using the teachings of Triggs or Chandra. However, there is no indication that the combination would use the email readers of Triggs to access the local cache of Chandra for any purpose, much less for the purpose of publishing messages. Likewise, although the combination might use the page builder of Triggs to provide web content, the page builder would not be used by the email readers to publish messages. The combination would not push messages to the web browser of the user.

Lindhorst fails to remedy the defects of Triggs and Chandra. Lindhorst does describe macros for performing various functions. However, Appellant has found no mention in the cited portions of Lindhorst of a message caching agent, a message publishing agent, a message cache that is local and accessed by the message caching agent and message publishing agent that publishes messages by pushing the message to the web browser through a page builder tool. Stated differently, if the teachings of Lindhorst were added to those of Triggs and Chandra, the combination might incorporate the drag and drop development environment of Lindhorst to the page builder of Triggs. Thus, development of web pages in general might be facilitated. In addition, the ability to perform certain functions using macros may also be incorporated. Certain objects provided to the page by the developer might also be pushed when the teachings of Lindhorst are added to that of Triggs and Chandra. However, there is no indication in the cited portions of

Triggs, Chandra, and Lindhorst that such objects would include messages being broadcast. Because the cited portions of Triggs, Chandra, and Lindhorst fail to teach or suggest the features, the combination would not utilize a message caching agent to store the message to a message cache that is local to and coupled to a page builder tool. For the same reasons, the combination would also fail to use a message publishing agent to retrieve a message from the local message cache and publish the message through the page builder tool by pushing the message to the browser.

Accordingly, for at least the above-identified reasons, Appellant respectfully submits that claims 1, 7, and 14 are allowable over the cited references.

Claims 2, 3, and 6 depend on independent claim 1. Claims 8, 9, 10 and 13 depend upon independent claim 7. Claims 15, 16, 17, 20, and 21 depend upon independent claim 14. Consequently, the arguments herein apply with full force to claims 2-3, 6, 8-10, 13, 15-17, and 20-21. Accordingly, Appellant respectfully submits that claims 2-3, 6, 8-10, 13, 15-17, and 20-21 are allowable over the cited references.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 1-3, 6-10, 13-17, and 20-21 under 35 U.S.C. § 103.

**D.     Claims 4-5, 11-12, 18-19 and 22-23 Are Not Unpatentable Under 35 U.S.C. §103.**

Appellant respectfully submits that the applied rejections of claims 4-5, 11-12, 18-19 and 22-23 under 35 U.S.C. § 103 are without merit as the Examiner has completely failed to explain why Triggs in view of Chandra in view of Underwood in further view of Lindhorst fails teaches or suggests the method and system recited in claims 4-5, 11-12, 18-19, and 22-23.

Claims 4, 5, 11, 12, 18, 19, 22, and 23 depend upon independent claims 1, 7, and 14.

Consequently, the arguments herein apply with full force to claims 4, 5, 11, 12, 18, 19, 22, and 23.

Because each of the references fail to teach or suggest a system, method, or computer-readable medium that use a message caching agent to store the message to a message cache that is a local to and coupled to a page builder tool, that retrieve a message from the local message cache and that publish the message through the page builder tool by pushing the message to the browser, any combination of Triggs, Chandra and Lindhorst fail to teach or suggest such features.

Underwood fails to remedy these defects of Triggs in view of Chandra in further view of Lindhorst. As discussed above, Underwood teaches the use of a Web Definer and macros for performing certain tasks. However, Appellant can find no mention in Underwood of using a message caching agent to store the message to a message cache that is a local to and coupled to a page builder tool. Similarly, Applicant can find no mention in Underwood of retrieving a message from the local message cache using a message publishing agent. Applicant can also find no mention in Underwood of publishing the message through the page builder tool by using the message publishing agent to push the message to the browser. Consequently, Underwood fails to remedy the defects of Triggs in view of Chandra in further view of Lindhorst. Any combination of Triggs in view of Chandra in further view of Lindhorst and Underwood, therefore, would also be absent these teachings. As a result, Trigs in view of Chandra in further view of Lindhorst and Underwood fail to teach or suggest the method, system, and computer-readable medium recited in claims 4, 5, 11, 12, 18, 19, 22, and 23. Accordingly, Appellant respectfully submits that claims 4, 5, 11, 12, 18, 19, 22, and 23 are allowable over the cited references.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 4-5, 11-12, 18-19 and 22-23 and under 35 U.S.C. § 103.

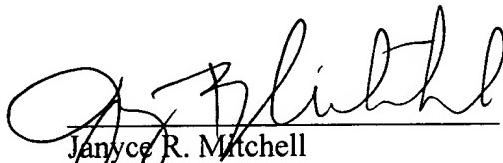
#### F. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that Claims 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, and 23 (all the claims presently in the application) are patentable for defining subject matter which would not have been obvious under 35 U.S.C. § 103 at the time the subject matter was invented. Thus, Appellant respectfully requests that the Board reverse the rejection of all the appealed Claims and find each of these Claims allowable.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellant's "APPENDIX" section is contained on separate sheets following the signatory portion of this Appeal Brief.

Authorization for payment of the required Brief fee is contained in the transmittal letter for this Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 09-0460 (IBM Corporation).

Very truly yours,



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September 20, 2006  
Date

## VIII. CLAIMS APPENDIX

1. A system for publishing a message using a page builder tool, the page builder tool for providing a web page and linking the web page to a searchable database, the system comprising:

a message caching agent for receiving the message;

a message cache coupled to the message caching agent for storing the message, the message cache receiving the message from the message caching agent, the message cache being a local cache for the page builder tool; and

a message publishing agent coupled to the message cache and the page builder tool, the message publishing agent for retrieving the message from the message cache and allowing the message to be published on a web browser through the page builder tool, wherein the message publishing agent allows the message to be published on the web browser by pushing the message to the web browser through the page builder tool.

2. (Canceled).

3. The system of claim 1 wherein the message publishing agent is a servlet.

4. The system of claim 1 further comprising:

a message publishing macro definition, coupled to the page builder tool, the message publishing macro definition being processed by the page builder tool in response to a request from the web browser, the message publishing macro definition for triggering publishing of the

message in response to processing of the message publishing macro definition by the page builder tool.

5. The system of claim 4 wherein the message publishing macro definition includes an applet for retrieving the message from the message publishing agent and publishing the message when the message publishing macro definition is processed by the page builder tool.

6. The system of claim 1 further comprising:  
a message publishing tool for allowing a user to create the message and provide the message to the message caching agent.

7. A method for publishing a message using a page builder tool, the page builder tool for providing a web page and linking the web page to a searchable database, the method comprising the steps of:

receiving a message from a user;  
storing the message in a message cache connected to the page builder tool using a message caching agent, the message cache being a local cache for the page builder tool;  
retrieving the message from the message cache and publishing the message on a web browser through the page builder tool, wherein the publishing further includes utilizing the message publishing agent to push the message to the web browser.

8. The method of claim 7 wherein the retrieving and publishing step [(c)] is performed utilizing a message publishing agent.

9. (Canceled).

10. The method of claim 8 wherein the message publishing agent is a servlet.

11. The method of claim 8 wherein the retrieving and publishing step (e) further includes the steps of:

triggering the message publishing agent to retrieve and publish the message using a message publishing macro definition coupled to the page builder tool, the message publishing macro definition being processed by the page builder tool in response to a request from the web browser, the message publishing macro definition for triggering publishing of the message in response to processing of the message publishing macro definition by the page builder tool.

12. The method of claim 8 wherein the message publishing macro definition includes an applet that retrieves the message from the message publishing agent and publishes the message when the message publishing macro definition is processed by the page builder tool.

13. The method of claim 8 further comprising the step of:

allowing a user to create the message and provide the message to a message caching agent using a message publishing tool.

14. A computer-readable medium containing a program for publishing a message using a page builder tool, the page builder tool for providing a web page and linking the web page to a searchable database, the program including instructions for:

receiving a message from a user;  
storing the message in a cache connected to the page builder tool using a message caching agent, the message cache being a local cache for the page builder tool;  
retrieving the message from the message cache and publishing the message on a web browser through the page builder tool, the publishing further including utilizing the message publishing agent to push the message to the web browser.

15. The computer-readable medium of claim 14 wherein the retrieving and publishing instructions are performed utilizing a message publishing agent.

16. (Canceled).

17. The computer-readable medium of claim 15 wherein the message publishing agent is a servlet.

18. The computer-readable medium of claim 15 wherein the retrieving and publishing instructions further include instructions for:

triggering the message publishing agent to retrieve and publish the message using a message publishing macro definition coupled to the page builder tool, the message publishing macro definition being processed by the page builder tool in response to a request from the web browser, the message publishing macro definition for triggering publishing of the message in response to processing of the message publishing macro definition by the page builder tool.

19. The computer-readable medium of claim 15 wherein the message publishing macro definition includes an applet that retrieves the message from the message publishing agent and publishes the message when the message publishing macro definition is processed by the page builder tool.

20. The computer-readable medium of claim 15 further comprising the step of: allowing a user to create the message and provide the message to a message caching agent using a message publishing tool.

21 The system of claim 1 wherein the message allows the message to be published on the web browser through the page builder tool in response to a request from the web browser.

22. The method of claim 7 wherein the retrieving and publishing step further includes the step of:  
publishing the message on the web browser through the page builder tool in response to a request from the web browser.

23. The computer-readable medium of claim 14 wherein the retrieving and publishing instructions further includes instruction for:  
publishing the message on the web browser through the page builder tool in response to a request from the web browser.

## **IX. EVIDENCE APPENDIX**

None.

## **X. RELATED PROCEEDINGS APPENDIX**

None.